IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8487 of 1996

with

SPECIAL CIVIL APPLICATION No 4056 of 1996

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHRANGADHRA PRAKRUTI MANDAL and AJIT D. PADIVAL
Versus
STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8487 of 1996
MR AMIT M PANCHAL for Petitioners
GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED for Respondent No. 6
NANAVATI ASSOCIATES for Respondent No. 7
MR MK VAKHARIA for Respondent No. 8
MR MIHIR H JOSHI for Respondent No. 50,51

2. Special Civil Application No.4056 of 1996
MR YN OZA for Petitioner

MR SN SHELAT, AAG with MS HARSHA DEVANI, AGP for Respondent State

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CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE B.C.PATEL

Date of decision: 26/04/2000

COMMON ORAL JUDGEMENT

Per: (Mr. B.C. Patel, J.)

By way of public interest litigation, the court was moved by filing these two petitions for the alleged breach of the provisions contained in the Wildlife Protection Act, 1972. The wildlife sanctuary so declared was the subject matter in another set of litigation with regard to the area covered by the said Notification. The court quashed the Notification as a result of which the earlier Notification dated 14.04.1981 was revived. Thereafter, a Resolution was passed in exercise of the powers conferred under Section 26(A)(3) of the Wildlife Protection Act. Pursuant to the Resolution, a Notification was issued which was challenged by filing writ petitions. The matter was carried before the Apex Court by the Consumer Education and Research Society and the judgment delivered by the Apex Court is reported in JT 2000 (2) SC 189. In the case of Consumer Education and Research Society vs. Union of India and Others (supra) in para 9 of the judgment, the Court has issued certain directions. The present petitions are with respect to the same subject matter and hence it goes without saying that the Respondent State will have to act as per the orders passed by the Apex Court and therefore, this court is not required to entertain these two petitions any further and hence these petitions are disposed of. Rule discharged.

(D.M. DHARMADHIKARI, CJ)

hki (B.C. PATEL, J.)